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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/518,835	12/21/2004	Dietrich Bertram	DE 020160	3621

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS
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EXAMINER

RIELLEY, ELIZABETH A

ART UNIT	PAPER NUMBER
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2879

DATE MAILED: 05/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/518,835	BERTRAM ET AL.	
	Examiner	Art Unit	
	Elizabeth A. Rielley	2879	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 December 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>1/6/06</u> <u>116106</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

Amendment filed 2/28/06 has been entered and considered by the Examiner. Currently, claims 1-7 are pending in the instant application.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3, and 6-7 are rejected under 35 U.S.C. 102(e) as being anticipated by Yamazaki et al (US 6641933).

In regard to claim 1, Yamazaki et al ('933) teach an electroluminescent device (figure 7; column 19 line 29 to column 20 line 50) comprising a substrate (703; column 20 line 34), a porous layer (707; column 20 line 26; layer 707 creates spaces or holes for layer 708) that borders on said substrate (706; see figure 7), a laminated body that borders on said porous layer (see figure 7) and that comprises at least a first electrode (704), an electroluminescent layer (703) and a second electrode (702), with a colored material being at least partially present in the pores of the porous layer (708; column 20 lines 22-33).

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In regard to claim 2, Yamazaki et al ('933) teach the porous layer (707) contains at least two colored materials (708; column 20 lines 22-33).

In regard to claim 3, Yamazaki et al ('933) teach the porous layer (707) is segmented (with 708; see figure 7).

In regard to claim 6, Yamazaki et al ('933) teach the colored material is an ink (column 20 lines 22-32).

In regard to claim 7, Yamazaki et al ('933) teach a method of manufacturing an electroluminescent device (figure 7) which comprises a substrate (706), a porous layer (707; see argument above) that borders on said substrate (706), a laminated body that borders on said porous layer and that is composed of at least a first electrode (704), an electroluminescent layer (703) and a second electrode (702), with a colored material being at least partially present in the pores of the porous layer (708; column 20 lines 22-33), characterized in that the colored material is introduced into the porous layer (707) by means of ink jet printing (column 20 lines 22-32).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamazaki et al (US 6641933) in view of Codama et al (US 6121726).

In regard to claim 4, Yamazaki et al ('933) teach all the limitations set forth as described above, except the segments of the porous layer have different shapes. Codama et al ('126) teaches segments of the porous layer have different shapes (see figure 1; column 3 lines 49-57; the addition of filter 4 to filter 2r changes the shape of the red filter to be different then the green and blue filters 2g and 2b) in order to produce a desired color (column 3 lines 45-48). Hence, it would have been obvious at the time of the invention to one of ordinary skill in the art to combine the light emitting device of Yamazaki et al ('933) with the shape of the porous layer as taught by Codama et al ('126). Motivation to combine would be to produces a desired color from the light-emitting device.

In regard to claim 5, Yamazaki et al ('933) teach the segments of the porous layer take the form of stripes and/or pixels (column 7 lines 39-53).

Response to Arguments

Applicant's arguments with respect to claims 1-7 have been considered but are moot in view of the new ground(s) of rejection.


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Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elizabeth A. Rielley whose telephone number is 571-272-2117. The examiner can normally be reached on Monday - Friday 7:30 - 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimeshkumar Patel can be reached on 571-272-2457. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Elizabeth Rielley

Examiner
Art Unit 2879


MARICELI SANTIAGO
PRIMARY EXAMINER